

IDAHO BOARD OF ACUPUNCTURE
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/19/2018

BOARD MEMBERS PRESENT: Charles W Raymond - Chair
Marlene F Strong
Naomi L Jankowitz-Brownson
John Downey
Ethan S Fisher

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Candace Villarreal, Board Specialist

The meeting was called to order at 1:10 PM MST by Charles W Raymond.

APPROVAL OF MINUTES

Ms. Strong made a motion to approve the minutes of 10/27/2017. It was seconded by Ms. Brownson. Motion carried.

NEW BUREAU MEMBER INTRODUCTION:

Julie Eavenson, administrative support manager, was introduced to the Board.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadlines to submit proposed law and rule changes to the Governor's Office have passed for the 2018 Legislative Session. The deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session.

HOUSE BILL 348

The Board discussed House Bill 348 which requests an honorarium increase for the Idaho Board of Acupuncture. It is scheduled to be heard on January 26, 2018 by the House Health and Welfare Committee.

STATE OF THE STATE ADDRESS

Ms. Cory discussed the Governor's State of the State Address and the Governors' "thank you" to Board members for their service.

MEETING WITH LEGISLATORS

Mr. Raymond gave an update on the meetings held with legislative members in Boise, which he attended on behalf of the Board.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$97,201.47 as of 12/31/2017.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

EXECUTIVE ORDER

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the Executive Order that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the

Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

PROPOSED LAWS AND RULES

Ms. Eavenson discussed that proposed laws and rules are still in process and that the draft of rule changes submitted by Ms. Rogers outlining supervision, who may be a supervisor and continuing education credits regarding supervision, is still in process. The Board Specialist will add Proposed Laws and Rules to the next meeting agenda.

NEW BUSINESS

NEXT MEETING is scheduled for **April 6, 2018 1:00 PM MST.**

A CONFERENCE CALL was scheduled for **June 1, 2018 at 1:00 PM MST.**

CORRESPONDENCE

The Board reviewed correspondence from a medical doctor regarding the practice of Acupuncture in Idaho by licensed physicians. Ms. Brownson made a motion for the Bureau to reply to the correspondence that state licensure laws do not specifically address the practice of Acupuncture by medical doctors, and to please check with the Idaho Board of Medicine regarding the practice of Acupuncture by licensed physicians. It was seconded by Dr. Downey. Motion carried.

The Board reviewed correspondence from a licensee regarding the term “diagnosis” in the state licensure laws and state licensure rules. Ms. Brownson made a motion for the Bureau to reply to the correspondence and ask that the licensee contact legal counsel regarding the interpretation of state licensure law or state licensure rules. It was seconded by Mr. Fisher. Motion carried.

EXECUTIVE SESSION

Ms. Strong made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Brownson. The vote was: Dr. Downey, aye; Mr. Fisher, aye; Ms. Strong, aye; Ms. Brownson, aye; and Mr. Raymond, aye. Motion carried.

Dr. Downey made a motion to come out of executive session. It was seconded by Ms. Brownson. The vote was: Dr. Downey, aye; Mr. Fisher, aye; Ms. Strong, aye; Ms. Brownson, aye; and Mr. Raymond, aye. Motion carried.

APPLICATIONS

Ms. Brownson made a motion to approve the following applications for licensure:

Borbet, Erin Nicole	ACUA-343
Garriott, Roseshel Anne	ACUA-344
Whitcomb, Stacey	ACUA-345

It was seconded by Ms. Strong. Motion carried.

INTERIM COMMITTEE STUDY ON HEARING OFFICERS

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of hearing officers. The Interim Committee is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented at the Interim Committee's last meeting that would make changes to the Idaho Administrative Procedures Act and the way contested cases are handled. The Bureau submitted a letter to the committee which met on Oct. 2, 2017 seeking clarification and rationale on some of the changes. As the Bureau receives additional information, it will be provided to the Board.

ADJOURNMENT

Ms. Brownson made a motion to adjourn the meeting at 3:03 PM MST. It was seconded by Ms. Strong. Motion carried.

Charles W Raymond, Chair

Marlene F Strong

Naomi L Jankowitz-Brownson

John Downey

Ethan S Fisher

Tana Cory, Bureau Chief